

Burdick, Melanie

From: Westlake, Kenneth
Sent: Tuesday, November 19, 2013 9:10 AM
To: Melgin, Wendy; Burdick, Melanie
Cc: Swenson, Peter; Gluckman, Matthew; Walts, Alan; Holst, Linda; Sedlacek, Michael; Pfeifer, David; Wagener, Christine; Poleck, Thomas; Pierard, Kevin
Subject: RE: Polymet

Wendy,

When I last had a call from Paula Maccabee (I spoke with her on 11/1/13), she asked me as well about whether we have an expert on mercury involved in the PolyMet team. Since that is a water quality issue, I directed her to Linda Holst, whose branch has several people (Dave Pfeifer, Christine Wagener, and Tom Poleck) involved in the PolyMet team. She asked if we were looking at Sections 401 and 404, in addition to 402. She interpreted our August 7, 2013 comment letter on the preliminary Supplemental Draft EIS as questioning the project's ability to comply with CWA. I told her that we wrote our letter to be as straightforward as possible, and that readers should take what we said as written. I also said that we are focused on compliance with all applicable requirements of the Clean Water Act, in addition to other relevant statutes (e.g., Clean Air Act and NEPA). We will be involved in the permit processes in our established role with the Corps under 404 and in our oversight role of delegated CWA and CAA permitting (MPCA lead). I told her that, while we always appreciate receiving information from the public and other third parties, ultimately our NEPA comments and our position on permitting decisions are based on our own reliance on good science and sound legal interpretations of our authorities. Our 404 review not only looks at direct impacts to wetlands, but also how water quality and quantity may affect wetlands and other waters of the US.

ken

From: Melgin, Wendy
Sent: Monday, November 18, 2013 4:08 PM
To: Westlake, Kenneth; Haveman, Melanie
Cc: Swenson, Peter; Gluckman, Matthew
Subject: Polymet

I got a call from Paula Macabee. A few weeks ago she had asked Tinka for copies of "a" and "b" letters we had submitted to the Corps. I sent them to Tinka and she sent them to Paula. Paula then asked Tinka for a status of the permits and I responded by email and told her to call me if she had any questions. So she did but her questions weren't really about these letters, they were about Polymet. I told her I really can't answer her questions about the specifics of the NEPA document. She said she was looking thru the Polymet documents and could not find information on alternatives and I think she meant alternatives to filling wetlands. She also wanted to know who at EPA is a methyl-mercury expert and have they reviewed Polymet; who from the TMDL program is reviewing Polymet. She brought up that she is involved with the St. Louis TMDL or is reviewing it. I told her I could inquire about these and get back to her but she said she would follow up with you Ken. Melanie, she may call you about alternatives but may also ask Ken too. I was really expecting an ARNI question but that never came up.